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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/576,273	05/22/2000	Brig Barnum Elliott	99-444	1572
28120	7590	02/23/2005	EXAMINER MEHRA, INDER P	
FISH & NEAVE IP GROUP ROPES & GRAY LLP ONE INTERNATIONAL PLACE BOSTON, MA 02110-2624			ART UNIT 2666	PAPER NUMBER

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/576,273

Applicant(s)

ELLIOTT, BRIG BARNUM

Examiner

Inder P Mehra

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                        |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/22/00</u> . | 6) <input type="checkbox"/> Other: _____   |

### DETAILED ACTION

1. This office action is in response to application filed on 5/22/00. Claims 1-70 are pending.

#### *Specification*

2. The disclosure is objected to because of the following informalities:
  - a. Refer to page 16 line 19. Limitation “**have may have**” has typographical error. It should be changed to “**---have---**”.Appropriate correction is required.

#### *Claim Objections*

3. Claims 1-23, 25-43, and 49-70 are objected to under CFR 1.75 because of the following informalities:
  - a. In claim 1 lines 5-6, “**each node**” seems to refer back to “a plurality of nodes”, in line 1. If this is true, it is suggested to change “each node” to ---the node—in case it refers to single node, or otherwise to ---the plurality of nodes---in case it refers to every node. Similar problem exists with this term in claims 2-5 and 29, Appropriate correction/clarification is required.
  - b. Claim 1 recites the limitations “information data” in line 12. It is preceded by “information data” in line 6. “information data” in line 12 should be changed to “the information data”. Similar problem of “information of nodes” in lines 7 of claim 11 exists.

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c. Claims 49-70 recites the limitation " a communication network"----"a plurality of routing nodes"---"an assigned node identifier", "a computer usable medium" in lines 1-2. In these limitations:, change "a" to "the", and "an" to "the", because these limitations are preceded in claim 49. Appropriate correction/clarification is required.

d. Claims 25-43 recite the limitation " A routing node in a communication network" in line1. "a" should be changed to "the".  
Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-70 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim 1 recites "the **same node identifier** in lines 12, 13 and 17. Claims 6-7, 21, 22, 23-70 also recite similar limitation " the same node identifier". It has no antecedent basis.

b. In claim 1 lines 10, 12 and 16, "node **signatures**" lacks antecedent basis. "node **signatures** in information data" seems to refer back to "generating a node signature----in each node" in line 4, which suggests one node signature in each node. If there is one node signature for single node, change "node **signatures** in information data" to --- node

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**signature** in information data---. Similar problem of "node signatures" exists in rest of claims 1-70.

c. Claim 11 recites the limitation "information of nodes" in lines 7 and "the information of the selected node" in line 9. These limitations lack antecedent basis.

Appropriate clarification/correction is required.

#### ***Allowable Subject Matter***

6. Claims 1-70 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

#### ***Prior Art of Record***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Sheu (US Patent No. 6,507,800) discloses a method for identifying failure signatures of semiconductor wafers.
- Allen et al (US Patent No. 5,768,256) discloses a system and method for restoring communication between a pair of nodes, between which communications have been broken.

#### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Inder P Mehra whose telephone number is 571-272-3170. The examiner can normally be reached on Monday through Friday from 8AM to 5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Inder Pal Mehra*  
Inder P Mehra 2/17/05  
Examiner  
Art Unit 2666

*DM*  
DANGTON  
PRIMARY EXAMINER